

CONTINUED REGULAR MEETING
FROM DECEMBER 18, 2012
BOROUGH COUNCIL
BOROUGH OF RUMSON
JANUARY 1, 2013
11:30 A.M.

An adjourned meeting of December 18, 2012 of the Borough Council of the Borough of Rumson was held in Bingham Hall on January 1, 2013 and was called to order by Mayor John E. Ekdahl at 11:30 a.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe and Councilmen Broderick, Day, Hemphill and Rubin.

Absent: Councilman Shanley.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was not present.

Bonnie Heard, Borough Engineer, was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2013 to the *Asbury Park Press* and the *Two River Times*.

APPROVAL OF THE MINUTES OF THE DECEMBER 4TH AND 18TH MEETINGS:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the December 4th and 18th Borough Council meetings were approved as written. All in favor.

COMMUNICATIONS:

LETTER FROM THE NEWCOMERS' CLUB OF RUMSON, FAIR HAVEN, LITTLE SILVER AND SHREWSBURY REQUESTING PERMISSION TO USE BINGHAM HALL ON SATURDAY, JANUARY 26, 2013 FROM 8:00 P.M. UNTIL 10:00 P.M. FOR A WINE AND CHEESE WINTER WELCOMING EVENING FOR NEW MEMBERS WITH APPROXIMATELY 50 IN ATTENDANCE; THEY WILL PROVIDE THE REQUIRED CERTIFICATE OF INSURANCE:

The Municipal Clerk advised of a letter dated December 17, 2012 from Lynette G. Ming, Membership Chair of the Newcomers' Club of Rumson, Fair Haven, Little Silver and Shrewsbury, requesting permission to use Bingham Hall on Saturday, January 26, 2013 for a wine and cheese winter welcoming evening for new members. The letter advised that the event, with approximately 50 in attendance, would be held from 8:00 p.m. until 10:00 p.m., and they would provide the Borough with the required certificate of insurance.

On motion by Councilwoman DeVoe, seconded by Councilman Day, this communication was ordered received and permission for the Newcomers' Club event at Bingham Hall on January 26th was granted. All in favor.

LETTER FROM THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF MONMOUTH ADVISING THAT A RESOLUTION WAS ADOPTED ON DECEMBER 13, 2012 TO AUTHORIZE THE PRIORITY 1 REPAIRS TO MONMOUTH COUNTY BRIDGE S-32 (THE SEA BRIGHT BRIDGE) ON COUNTY ROUTE 520 (RUMSON ROAD) NECESSITATED BY DAMAGE CAUSED BY HURRICANE SANDY:

The Municipal Clerk/Administrator advised of a letter dated December 17, 2012 from Marion Masnick, Clerk of the Board of Chosen Freeholders of the County of Monmouth, reporting that a resolution was adopted at their December 13, 2012 meeting approving the plans and

specifications for the priority 1 repairs at the Sea Bright Bridge (S-32) at the Shrewsbury River that were a result of damage caused by Hurricane Sandy.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this communication was ordered received. All in favor.

LETTER FROM HARRIS DAVIS REQUESTING PERMISSION TO HOLD THE PENINSULA PADDLE FUNDRAISING EVENT TO BENEFIT SEA BRIGHT RISING AT VICTORY PARK ON A WEEKEND MORNING IN EARLY TO MID JULY 2013:

The Municipal Clerk/Administrator advised of a letter to the Mayor and Council dated December 26, 2012 from Harris Davis requesting permission to hold the first annual Peninsula Paddle Fundraising Event at Victory Park on a date and time to be determined in mid to early July of 2013. Mr. Davis stated in his letter that the 8-mile advanced paddle and 4-mile fun paddle event on the Navesink River would benefit the Sea Bright Rising organization this year and in the future could benefit local charitable organizations such as Monmouth County Conservation, Clean Action Ocean or Lunch Break. The Municipal Clerk/Administrator stated that if the Council approves this request, he would make sure that Mr. Davis works with the Police Department and the Borough to make sure Victory Park is available on the decided date and that the proper insurance was in place.

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received and permission for the Peninsula Paddle Fundraising Event was granted and an exact date and time will be determined. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

RESOLUTION 2013-0101-1 AUTHORIZING THE RELEASE OF THE LETTER OF CREDIT FOR THE 61-63 RIVER ROAD LLC SUBDIVISION PROJECT (AKA SUGAR MAPLE ESTATES, LLC):

The Municipal Clerk/Administrator advised that the Borough received a letter from Bonnie Heard of T & M Associates reporting that all the required work on this subdivision project has been done and that the bonds could be released at this time.

2013-0101-1

Councilman Rubin offered the following resolution and moved its adoption:

WHEREAS, on March 31, 2006, Sugar Maple Estates LLC (Soloman Dwek) posted a performance surety bond, in the amount of \$400,397.58 and a performance cash bond in the amount of \$44,488.62 to guarantee the completion of the bonded improvements in accordance with the Performance Guarantee Estimate dated August 17, 2005, and the signed Developers Agreement dated, April 2, 2006; and

WHEREAS, on March 31, 2006, Sugar Maple Estates LLC (Soloman Dwek) also posted an engineering escrow fee in the amount of \$37,142.00 to cover the cost of engineering inspection in conjunction with the Sugar Maple Estates Subdivision; and

WHEREAS, on January 14, 2008, the Borough received notification that 61-63 River Road LLC (Magyar Bank) acquired title to the Sugar Maple Estates six (6) lot subdivision project ; and

WHEREAS, on March 7, 2008, 61-63 River Road LLC (Magyar Bank) posted a replacement performance surety bond in the amount of \$449,499.24, a replacement cash bond in the amount of \$49,994.36, and a replacement inspection escrow fee in the amount of \$40,961.00 to guarantee the completion of the bonded improvements in accordance with the revised Performance Guarantee Estimate dated January 28, 2008; and

WHEREAS, the Borough Engineer in their letter dated December 18, 2012 advised that all work associated with this project, that is outside of the Monmouth County right-of-way is now complete; and

WHEREAS, the Borough Engineer has recommended that the performance bond and performance cash bond released by formal resolution subject to the posting of a maintenance bonded and payment of any outstanding invoices; and

WHEREAS, the Chief Financial Officer has confirmed that all outstanding invoices have been paid and that there are no additional charges.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the release of the performance surety bond issued, in the amount of \$449,499.24 and a performance cash bond in the amount of \$49,994.36, subject to the posting of a maintenance guarantee in the amount of \$62,430.45 in accordance with the Borough Engineer's December letter.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

RESOLUTION 2013-0101-2 AUTHORIZING THAT THE TIME PERIOD THAT CONSTRUCTION PERMIT FEES DUE TO HURRICANE SANDY DAMAGE BE WAIVED IS EXTENDED THROUGH JUNE 30, 2013:

2013-0101-2

Councilman Day offered the following resolution and moved its adoption:

**RESOLUTION TO WAIVE CONSTRUCTION PERMIT FEES
FOR HURRIANCE SANDY DAMAGE
EXTENDED THROUGH JUNE 30, 2013**

WHEREAS, the State of New Jersey, Division of Codes and Standards, has authorized municipalities to waive construction permit fees for work made necessary by the damage caused by Hurricane Sandy, if they choose to do so; and

WHEREAS, the State permit surcharge fee has also been waived; and

WHEREAS, the Borough of Rumson had waived such fee from October 30, 2012 through December 31, 2012 on Resolution 2012-1120-164 adopted on November 20, 2012; and

WHEREAS, it has become evident that the repairs for damage caused by Hurricane Sandy will continue well into 2013;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the construction permit fees are hereby waived for Hurricane Sandy damage repairs through June 30, 2013; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Division of Codes and Standards and the Chief Financial Officer.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

APPROPRIATIONS TRANSFER RESOLUTION 2013-0101-3:

2013-0101-3

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, it has become necessary to expend for certain purposes specified in the budget an amount in excess of the respective amounts appropriated therefore, and there shall be an excess in one or more appropriations; and

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson (by 2/3 vote) that the following transfers between appropriations be and the same are hereby approved:

TO:

Police Other Expenses	\$ 3,000.00
Vehicle Maintenance	\$10,000.00
Utility Expenses & Bulk Purchases	
Water	\$ 4,000.00
Sewer System – Other Expenses	<u>\$15,000.00</u>
Total:	\$32,000.00

FROM:

Police Salary & Wages	\$ 3,000.00
First Aid – Other Expenses	\$ 4,000.00
Sewer Salary & Wages	\$10,000.00
Street Department Salary & Wages	<u>\$15,000.00</u>
Total:	\$32,000.00

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer be and is hereby authorized and directed to debit and credit said accounts for 2012 accordingly.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill and Rubin.

In the negative: None.

Absent: Shanley.

CONSIDERATION OF BILLS & CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	38.38	NJ Natural Gas Co
\$	38.38	COAH Trust Account
\$	17,710.26	Allied Oil LLC
\$	185.50	AR Communications
\$	378.00	Asbury Park Press
\$	6.59	AT&T
\$	147.60	Brennan’s Deli
\$	13,605.60	Brielle Furniture Inc
\$	114.26	Comcast of Monmouth
\$	2,173.97	Cross Over Networks
\$	180.00	Deptcor
\$	438.05	F & C Automotive Supply Inc
\$	58,724.24	Giordano Halleran & Ciesla

\$	3,577.79	WW Grainger Inc
\$	250.68	Home Depot Commercial Credit
\$	10,041.25	Hutchins Farrell Meyer &
\$	158.90	Interstate Battery
\$	2,525.00	Kelco Painting Inc
\$	7,689.00	Kencor Inc
\$	728.40	Lawmen Supply Company of NJ
\$	20,624.10	Marpal Disposal
\$	219.80	MGL Printing Solutions
\$	110.99	Mid-Atlantic Truck Centre Inc
\$	521.74	Naylor's Auto Parts
\$	515.94	New Jersey American Water
\$	1,746.72	NJ Natural Gas Co
\$	400.00	NJ State Assoc Chiefs of Police
\$	45.00	PEP Express Parts
\$	336.00	Perry's Trophy Co Inc
\$	14,400.00	Precise Construction Company
\$	25,837.52	Pumping Services Inc
\$	944.99	R & H Spring & Truck Repair Inc
\$	29.95	Thomas S Rogers
\$	42.25	Seaboard Welding Supply Inc
\$	840.00	Siteco Materials Inc
\$	6,180.75	Speitel & Speitel Inc
\$	250.00	State Shorthand Reporting Serv
\$	261.92	Staples Advantage
\$	44.00	Targeted Technologies LLC
\$	453.72	Trico Equipment Services LLC
\$	15.81	The Two River Times
\$	750.64	USA Bluebook
\$	364.59	Verizon
\$	160.04	Verizon Wireless
\$	137.01	Verizon Business Fios
\$	18.39	George Wall Lincoln
\$	434.70	Wild Bill's Carpet Cleaning
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\$	194,321.66	Current Fund
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\$	1,055.55	Borough of Rumson Current Acct
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\$	1,055.55	Endowment Inc Account
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\$	284.00	Ethan Beacher
\$	300.00	Durant Cogger
\$	328.00	Caitlin Griffith
\$	2,330.00	Robert McGinty
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\$	3,242.00	Recreation Account
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\$	194,321.66	Current Fund Appropriations
\$	1,055.55	Endowment Disbursements
\$	3,242.00	Recreation Disbursements
\$	38.38	Trust Fund – Other Expenses
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\$	198,657.59	Total Of All Funds

Resolution seconded by Councilman Broderick, and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and no one responded.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, the meeting adjourned at 11:37 a.m. All in favor.

SINE DIE

Thomas S. Rogers
Municipal Clerk/Administrator